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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,879	02/15/2001	Ned M. Smith	42390P10821	4562

8791 7590 08/05/2003

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EXAMINER

BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,879

Applicant(s)

SMITH ET AL.

Examiner

Bradley Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/15/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al., U.S. Patent 6,141,653 in view of Muftic, U.S. Patent 5,850,442.

As per claims 1-8, Conklin et al. discloses a method for iterative, multivariate negotiations over a network enabling at least two parties to negotiate prices, terms and conditions until an agreement is reached and monitoring or tracking the performance of the parties (see abstract; column 13, line 45 – column 15, line 35). Conklin et al., however, does not explicitly teach the use of an encryption mechanism detailing the exchange of public keys and digital signatures. Muftic teaches a secure World Wide Web electronic commerce over an open network utilizing public key cryptography and digital signatures (see columns 1-8). Muftic et al. further teaches smart token technology which handles identification and credentials, creates and verifies digital signatures, supports key and access management, facilitates secure financial and electronic transactions, and certificate based public key system and authentication (see column 5, line 36 – column 8, line 7). Muftic is evidence that one of ordinary skill in the art would recognize the benefit a multi-tiered cryptographic mechanism for authentication and verification. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify the multivariate negotiations and bargaining engine to include a cryptographic secure mechanism, as per teachings of Muftic.

Claims 9-16 are directed to a computer readable medium and are rejected as above.

Claims 17-23 are directed to a system and are rejected as above.

Claims 1-23 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford et al., U.S. Patent 6,502,113 B1 in view Muftic, U.S. Patent 5,850,442.

As per claims 1-8, Crawford et al. discloses a negotiations manager incorporating clause modification and markers for tracking negotiation progress (see abstract; column 2, line 25 – column 6, line 63; figures 1-6 and associated text). Crawford et al., however, does not explicitly teach the use of an encryption mechanism detailing the exchange of public keys and digital signatures. Muftic teaches a secure World Wide Web electronic commerce over an open network utilizing public key cryptography and digital signatures (see columns 1-8). Muftic et al. further teaches smart token technology which handles identification and credentials, creates and verifies digital signatures, supports key and access management, facilitates secure financial and electronic transactions, and certificate based public key system and authentication (see column 5, line 36 – column 8, line 7). Muftic is evidence that one of ordinary skill in the art would recognize the benefit a multi-tiered cryptographic mechanism for authentication and verification. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multivariate negotiations and bargaining engine to include a cryptographic secure mechanism, as per teachings of Muftic.

Claims 9-16 are directed to a computer readable medium and are rejected as above.

Claims 17-23 are directed to a system and are rejected as above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Patent No. 6,055,519 to Kennedy et al.
- Patent Application Publication US 2001/0016838A1 to Landrock.
- Patent No. 5,774,689 to Curtis et al.
- Patent Nos. 5,615,269 and 6,026,163 to Micali.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached Tuesday – Friday during normal business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6128 for regular communications and 703-746-6128 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

bbb

July 29, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600